

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

NOEMI HOLGUIN

Claimant

VS.

CONAGRA, INC., f/k/a MONFORT, INC.

Respondent

Self-Insured

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Docket No. 227,490

ORDER

Claimant appeals the February 20, 2001, Decision of Administrative Law Judge Pamela J. Fuller. Claimant was awarded a 5 percent functional impairment of the left upper extremity at the shoulder, but denied additional impairment for claimant's alleged neck complaints. Oral argument before the Board was held on August 22, 2001.

APPEARANCES

Claimant appeared by her attorney, Stanley R. Ausemus of Emporia, Kansas. Respondent appeared by its attorney, D. Shane Bangerter of Dodge City, Kansas.

RECORD AND STIPULATIONS

The Appeals Board has considered the record and adopted the stipulations contained in the award of the Administrative Law Judge.

ISSUES

What is the nature and extent of claimant's injury and/or disability?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds that the award of the Administrative Law Judge should be affirmed.

The Appeals Board finds that the Decision sets out findings of fact and conclusions of law in some detail that are accurate and supported by the record. It is not necessary to repeat those findings and conclusions in this Order. The Appeals Board adopts the findings and conclusions of the Administrative Law Judge as its own as if specifically set forth herein.

The Appeals Board finds the opinions of orthopedic surgeons C. Reiff Brown, M.D., and Dirk H. Alander, M.D., to be the most convincing medical opinions regarding what, if any, impairment and disability claimant suffered. While claimant alleges involvement of her cervical spine, neither of the orthopedic surgeons nor the tests performed on claimant during her ongoing treatment support claimant's contentions.

The Appeals Board, therefore, finds that claimant has suffered a 5 percent permanent partial impairment of the left upper extremity at the shoulder based upon the opinion of Dr. Alander.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Decision of Administrative Law Judge Pamela J. Fuller, dated February 20, 2001, should be, and is hereby, affirmed in all regards.

IT IS SO ORDERED.

Dated this ____ day of August, 2001.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Stanley R. Ausemus, Emporia, KS
D. Shane Bangerter, Dodge City, KS
Pamela J. Fuller, Administrative Law Judge
Philip S. Harness, Director